REMARKS

Claims 1-38 are presently pending. Favorable reconsideration and allowance of this application, as amended and responded to herein, is respectfully requested.

Affirmation of Election

Applicants affirm the provisional election, with traverse, made during a telephone conversation with Examiner Kifle on March 28, 2003. This election was made to Example RRR-3 on page 291 of the specification. As stated by the Examiner, "[t]he elected compound was not found in the search and is therefore, allowable." Applicants hereby reserve the right to file a divisional application directed to the non-elected subject matter.

The 35 U.S.C. § 102 Rejection

Claim 1 has been rejected under 35 U.S.C. § 102(e) as anticipated by Adams et al (WO 01/64679; hereafter "Adams"). The Examiner states that "[t]he claim reads on compounds of the reference."

Claim 1 has been amended to exclude compounds wherein A, G^1, and G^2 are all simultaneously N. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

The 35 U.S.C. § 103 Rejection

Claims 1-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams. The Examiner asserts that Adams "teaches a generic group of compounds which embraces applicants' claimed compounds..." and that "it would have been obvious to one having ordinary skill in the art at the time of the invention to select any of the species of the genus taught by the reference, including those instantly claimed, because the skilled chemist would have the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole."

Applicants respectfully submit that the instant claims as amended do not cover compounds embraced by the generic compound groups of Adams. In addition, Adams contains no motivation or suggestion to make the modifications necessary to arrive at the inventive compounds. Rather, the disclosure of Adams is explicitly limited to compounds containing a fused two-ring system with four total nitrogen heteroatoms. Indeed, "[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989) (quoting *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)). Nowhere does Adams suggest the desirability of the modifications required to arrive at the Applicants' compounds.

Further, in order to establish a *prima facie* case of obviousness, the proposed modification of the reference must have had a reasonable expectation of success. "Both the suggestion and the expectation of success must be founded in the prior art, not in applicant's disclosure." *In re Dow Chem. Co. v. American Cyanamid Co.*, 837 F.2d at 469, 473 (Fed. Cir. 1988). Applicants respectfully submit that Adams would not have provided the skilled artisan

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with the requisite expectation of success. Applicants deem this rejection obviated and respectfully request withdrawal thereof.

In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

By: _____

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